

Appl. No. 10/696,745

Attorney Docket No. 81716.0112

Customer No.: 26021

Response to Notice of Non-Compliant Amendment of September 29, 2005

REMARKS/ARGUMENTS:

Claims 1-3, 6-10, 13 and 14 are pending in the application. Reexamination and reconsideration of the application, in view of the following remarks, are respectfully requested.

In the response to the Office Action filed on September 13, 2005, the Applicant amended claim 1 so as to include such a limitation that the waveguide extends in a direction from the one surface of the dielectric layer toward the other surface thereof.

In response to this amendment, the Office states,

"It is the position of the Examiner that the newly added limitation is drawn to an aspect of the device (i.e. waveguide with respect to the dielectric layer) only shown in non-elected Figs. 10B, 11B or 12B and not shown in elected Species II (see Applicant's reply dated March 15, 2005), thus where Applicant's response comprises a non-compliant amendment."

The Applicant respectfully disagrees. The Applicant respectfully submits that the newly added limitation is shown in the elected Species II, Figs. 2A to 2C. In Figs. 10B, 11B or 12B which are referred to by the Office, it is shown that the conversion substrate and the waveguide are connected via the metal base. In contrast, in Figs. 2A to 2C, in particular, Fig. 2B, it is shown that the waveguide 46 extends in the thickness direction of the dielectric layer 42 while the dielectric layer 42 and the waveguide 46 are separately disposed.

The dielectric layer 42 and the waveguide 46 are shown separately in Fig. 2B. However, according to descriptions related to Figs. 2A to 2C on p. 66, line 18-p. 68, line 3 of the Applicant's specification, it is clear that the waveguide 46 and the shield conductor part 47c disposed in an inside of the dielectric layer 42 are

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electrically connected to each other. In addition, from the "BRIEF DESCRIPTION OF THE DRAWINGS" section of the Applicant's specification, it is clear that Fig. 2B is a sectional view taken along line II-II of Fig. 2A. Furthermore, in the description on p. 54, lines 18-19 of the Applicant's specification, it is described that the waveguide 46 is disposed to extend downward. Accordingly, it is clear that Fig. 2B shows that the waveguide extends in the thickness direction of the dielectric layer, i.e., a direction from the one surface of the dielectric layer toward the other surface thereof.

In view of the foregoing, the Applicant respectfully submits that the above newly added limitation is shown in the elected Species II, Figs. 2A to 2C. Withdrawal of the Notice of Non-Compliant Amendment is thus respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6810 to discuss the steps necessary for placing the application in condition for allowance.

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If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: October 28, 2005

By: 

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